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Human rights situations that require the Council's attention

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights Situation in Myanmar

1. Human Rights Now (HRN) [1] welcomes the improvement of human rights situation in Myanmar after the long military regime in Myanmar officially ended in 2011. However, issues and concerns regarding human rights violations continued to be reported. HRN is especially concerned over the situation surrounding of ethnic violence and press freedom. It also concerns that the foreign investments and development projects cause negative impact of human rights situation of local people.

2. The first imprisonment of a reporter since the lifting of media restrictions in 2012 has raised questions about press and media law and censorship issue in Myanmar. On November 2013, three-month prison term was given to Yangon-based Eleven Media journalist Naw Khine Khine Aye Cho, also known as Ma Khine, based on charges of defamation, trespass and use of abusive language. [2]

International press organizations have argued that the charges are unjustified and too harsh.[3] For example, Reporters Without Borders issued a statement that urged the court "to reexamine the facts of this case when it comes up for appeal and to reach a decision that respects the rights of journalists."[4] Ma Khine is believed to be the first journalist sentenced to prison under censorship laws since President Sein began his administration.[5]

In January 2014, four journalists and the CEO of Yangon-based Unity Journal were detained by police after the newspaper reported the existence of an alleged chemical weapons factory in the Magwe Division.[6] The journalists were charged with publishing state secrets and have been denied bail.

3. On December 2013, the government freed numbers of political prisoners and promised to drop charges for activist facing trials.[7] However, the Myanmar government has failed to uphold its promise to release all political prisoners by the end of 2013. Also, activists still claims that Myanmar authorities continue to prosecute dissidents.[8] Bo Kyi, founder and joint-secretary of the Assistance Association for Political Prisoners (AAPP) has indicated that the Committee for Scrutinizing Remaining Political Prisoners will continue work through 2014, despite government claims that all political prisoners were released by December 31 of last year.[9]

AAPP records show at least 33 political prisoners remain in prison with around 148 awaiting sentencing. It also report that January 2014 saw the arrest of 10 individuals, 9 of which were charged under Section 18 of the Peaceful Procession and Peaceful Assembly law, the other under section 447 of the Trespass Law.[10]

4. One of the most serious human rights concerns is the situation in Rakhine State. It was reported that ethnic Violence intensified in the first month of 2014 and primarily occurred in Du Chee Yar Tan village in Maungdaw, Rakhine State. Some media reported that violence against Rohingya Muslims has continued more than two weeks since it started on January 9, and in the course of violence, security force was involved in killing of Rohingya Muslims.[11][12]

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[1] Human Rights Now (HRN) is Tokyo-based international human rights NGO
[2] The Irrawaddy, December 23, 2013: http://www.irrawaddy.org/burma/prison-term-reporter-leads-outcry-media-freedom.html
[3] *Id.*
[4] Eleven Media, December 25, 2013: http://elevenmyanmar.com/national/4554-rsf-outraged-by-imprisonment-of-eleven-media-reporter
[5] The Irrawaddy, January 7, 2014: http://www.irrawaddy.org/burma/burmese-journalists-protest-ma-khines-jail-sentence.html
[6] The Irrawaddy, February 2, 2014: http://www.irrawaddy.org/burma/journalists-detained-reporting-alleged-burmese-chemical-weapons-factory.html
[7] The Irrawaddy, December 31, 2013, http://www.irrawaddy.org/burma/burma-pardons-political-offenders.html
[8] News 24, December 11, 2013, http://www.news24.com/World/News/Myanmar-frees-44-political-prisoners-20131211
[9] DVB, January 14, 2014: https://www.dvb.no/news/36058-not-finished-yet-political-prisoners-burma-myanmar/36058
[10] http://www.aappb.org/
[11] Human Rights Watch, January 23, 2014: http://www.hrw.org/news/2014/01/23/burma-investigate-new-killings-rohingya

On 17th January, The UN Special Rapporteur Mr.Quintana, urged the Myanmar government to investigate the reported violent clashes between security forces and Rohingya residents.[13]

In response, the Myanmar government denied that these deaths and blamed the Rohyinga for instigating the violence.[14] Further, the government strongly criticized media organizations for their coverage of the alleged massacre. On January 24, the Myanmar Foreign Affairs Ministry warned that any international aid organization or media group that releases information that is not verified by government officials would be considered to be interfering in Myanmar's internal affairs.[15]

Proper investigation has not yet been conducted by the government. The routs cause of the ethnic violence has not been properly addressed.

5. Ongoing foreign investment projects have accelerated violations of human rights under the name of "development". Myitsone dam project, which was slated to provide most of its electricity to China, had provoked massive public outcry over the widespread flooding and deforestation the dam would cause, as well as the displacement of 10,000 ethnic Kachin villagers.[16] More than 300 households from Tanphye, Padan and Myitsone villages were relocated for the project, and villagers have not been allowed to return during the suspension.[17] Relocated residents have complained that compensation they've received is too low and the land they have been allocated is not suitable for planting crops and rearing livestock, hurting their livelihoods.[18]

Likewise, Thilawa Special Economic Zone Project which is sponsored by the Japanese government and JICA is also causing serious violation of human rights to local communities. There are people who are already suffering from lack of livelihood after moving to the relocation site in Myaing Thar Yar without appropriate compensation measures. Villagers have raised several concerns with respect to this situation including, (i) signing of compensation agreements under duress, (ii) uncertain understanding about the relocation and compensation, (iii) even after signing, no consideration of the transition period from the old livelihood to the alternative one, and (iv) no insurance for the affected villagers to improve or restore the stable livelihood.[19] Villagers also raised complains that this situation clearly shows the violation of several provisions of the JICA's Guidelines for Environmental and Social Consideration such as "Host countries must make efforts to enable people affected by projects to improve their standard of living, income opportunities, and production levels, or at least to restore these to pre-project levels."[20]

6. In many regions of Myanmar, concerns about land seizures are in need of serious investigation. Farmers from Pyin Oo Lwin township, Mandalay region, have begun clearing confiscated fields that they say should have been returned when the military project for which they were taken ceased to be implemented.[21] Farmers say they were not paid compensation for the project and they are now risking legal repercussions by their attempts to take the fields back.[22]

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[12] The Irrawaddy January 17, 2014: http://www.irrawaddy.org/burma/buddhist-mob-police-raid-rohingya-village-many-left-dead-rights-group.html

[13] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14178&LangID=E

[14] Eleven Myanmar, January 30, 2014: http://www.elevenmyanmar.com/index.php?option=com_content&view=article&id=4904:fire-in-du-char-yar-tan-village-planned-in-advance&catid=32:politics&Itemid=354

[15] The Irrawaddy, January 28, 2014: http://www.irrawaddy.org/burma/govt-rejects-call-intl-investigation-alleged-rohingya-killings.html

[16] Strategy World, December 24, 2013: http://www.strategypage.com/qnd/myanmar/articles/20131224.aspx.

[17] *Id.*

[18] *Id.*

[19] A letter from the Thilawa Social Development Group (or the group consisted of the villagers affected by the Thilawa SEZ project) to JICA, dated on October 29, 2013

[20] JICA guidelines for environmental and social considerations http://www.jica.go.jp/english/our_work/social_environmental/guideline/pdf/guideline100326.pdf

[21] Myanmar Times, December 8, 2013: http://www.mmtimes.com/index.php/national-news/8975-farmers-reclaim-land-confiscated-by-military.html

[22] *Id.*

This comes following their unsuccessful requests to return the land,[23] based on a provision in the Farmland Law of March 2012 that requires confiscated land to be returned to the original owners should the project be completed or fail to be implemented.[24]

Moreover, farmers near the Letpadaung copper mine are claiming that more land has been confiscated for the controversial mine project. The mining project also resulted in a seizure of over 300 acres of land in Monywa, Saigang region.[25] In addition to the mine itself, there is concern that a sulfuric acid plant that supports purification of the copper from the mine is responsible for local illnesses.[26] According to a study conducted by an environmental conservation group, soil samples taken from nearby Kan Kone village, where residents have complained of air pollution and suspect the plant is responsible for 31 deaths during 2013, revealed unhealthy levels of sulfate.[27]

Few activists and protestors who involved in protest against the Letpadaung mine were arrested. Among the activists, Myint Myint Aye was jailed earlier in 2013 for her involvement in a land grab dispute, was released on December 24, 2013, along with two other activists.[28]

7. Considering that the human rights situation in Myanmar is still serious, the Human Rights Council should continue its mandate over the human rights situation in Myanmar. Although restrictions on the press have loosened since 2011, Myanmar's citizens continue to struggle against instances of media censorship. Also, political prisoners should be released as the government promised, and violence against ethnic and religious minorities cannot be tolerated and investigations for alleged cases have to be conducted.

HRN also emphasizes that human rights violations in the context of development must be addressed and urges appropriate remedy and reparation to be provided for local people who are affected to the ongoing development project. All the ongoing and potential investors as well as states concern are obliged to respect and protect the human rights of the local populations.

HRN call on the Myanmar government, as well as all development partners to establish an effective safeguard guidelines and policies for local residents to not be victimized by investment and development projects and investment, especially large-scale development projects involving natural resource extraction such as natural gas, oil, mines, and infrastructure construction projects.

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[23] *Id.*

[24] Myanmar Times, December 8, 2013: http://www.mmtimes.com/index.php/national-news/8975-farmers-reclaim-land-confiscated-by-military.html

[25] Democratic Voice of Burma, December 13, 2013: https://www.dvb.no/dvb-video/more-land-fenced-off-at-latpadaung-locals-devastated-burma-myanmar/35247

[26] Mizzima, December 10, 2013: http://www.mizzima.com/mizzima-news/environment/item/10721-health-survey-planned-at-village-near-copper-mine-acid-plant; The Irrawaddy, December 12, 2013: http://www.irrawaddy.org/burma/near-letpadaung-factory-pollution-raises-health-fears.html

[27] *Id.*

[28] Democratic Voice of Burma, December 24, 2013: https://www.dvb.no/news/hunger-strikers-released-from-prison-burma-myanmar/35515